UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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4 Donte Johnson,

Petitioner

v.

Timothy Filson, et al.,

Respondents

Case No.: 2:18-cv-00740-JAD-NJK

Order Granting in Part Application to Proceed *In Forma Pauperis* and Appointing Counsel

[ECF Nos. 1, 4]

Petitioner Donte Johnson was sentenced to death after he was convicted by a jury of four counts of first-degree murder while using a deadly weapon. He now petitions for a writ of habeas corpus. I have reviewed his petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and I find it worthy of service upon the respondents.

He also applies to proceed *in forma pauperis*³ and requests appointed counsel.⁴ Johnson's financial records show that he can pay the \$5.00 filing fee, so I decline to waive the filing-fee requirement. It does appear, however, that Johnson lacks the resources necessary to employ counsel for this capital habeas corpus action, so I grant him pauper status for all other purposes in this case, and I appoint counsel to represent him.

Accordingly, IT IS HEREBY ORDERED that Johnson's application to proceed *in forma* pauperis [ECF No. 1] is GRANTED in part and DENIED in part. Johnson is granted leave to proceed *in forma pauperis*, but he has until May 28, 2018, to pay the \$5.00 filing fee.

IT IS FURTHER ORDERED that Johnson's motion for appointment of counsel [ECF No. 4] is GRANTED. The Federal Public Defender for the District of Nevada is appointed to represent Johnson. The Federal Public Defender will have until May 28, 2018, to file a notice of

¹ ECF No. 2 at 3; NEV. DEP'T OF CORR. (Apr. 25, 2018) http://doc.nv.gov/Inmates/Home/ (inmate search by name Donte Johnson or offender ID 66858).

 $^{^{26}}$ ECF No. 2.

 $^{^{3}}$ ECF No. 1.

⁴ ECF No. 4.

appearance as counsel or to file a notice indicating its inability to represent Johnson in these proceedings.

The Clerk of Court is directed electronically SERVE a copy of this order on the Federal Public Defender for the District of Nevada. The Clerk of Court is also directed to ADD Adam Paul Laxalt, Attorney General of the State of Nevada, as counsel for respondents.

Finally, the Clerk of Court is directed to electronically SERVE upon respondents a copy of Johnson's petition (ECF No. 2) and a copy of this order. Respondents have until May 28, 2018, to enter a notice of appearance, but no further action in this case is required unless the Court order otherwise.

Dated: April 26, 2018

U.S. District Judge Jennifer A. Dorsey